

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Taxes Department – Zone-VI – Representation filed by Sri S.Ravichandra, ACTO(presently working as DCTO) re-allotted to Zone VI for assigning seniority as per the ranking given by APPSC - Orders – Issued.

REVENUE (CT.I)DEPARTMENT

G.O Ms.No. 63

Dated.01.02.2012.
Read the following

1. G.O.Rt.No.1154, Rev(CT.I) Dept., dated.27.09.1995.
2. Govt. Memo No.15483/CT.I(2)/2006, dated.08.03.2007.
3. G.O.Ms.No.960, Rev(CT.I) Dept., dated.10.09.2009.
4. Representation dated.01.05.2007 of Sri S.Ravichandra, ACTO, Zone VI.
5. CCTs Ref No.DX2/291/2007, dated.18.03.2007.
6. Govt. Memo No.23928/CT.I(2)/2007, dated.25.07.2009.
7. Govt. Memo No.23928//CT.I(2)/2007, dated.18.06.2011.
8. CCTs Ref No.DX(2)/291/2007, dated.17.09.2011.
9. Govt. Memo No.40047/CT.I(2)/2011, dated.31.10.2011.
9. APPSC Lr.No.40047/CT.I(2)/2011, dated.31.10.2011.

ORDER:

Sri S.Ravichandra, DCTO, in the reference 4th read above has filed a representation stating that he was selected as Assistant Commercial Tax Officer under Group-II A Services through the notification issued by the APPSC in Adv.No.8/90 and allotted to Zone.I. He reported to duty on 26.06.1995. Subsequently in the reference 1st read above, he was transferred from Zone I to Zone VI and Smt G.Rani Mohan was transferred to Zone I from Zone VI on mutual basis under para 5(2)(d) of the Presidential Order subject to assigning last rank in the seniority below the last regular candidates in the new unit and foregoing seniority in the present working units.

2. Pursuant to the above orders, he joined as ACTO on 07.10.1995 in Zone VI and Smt G.Rani Mohan joined as ACTO in Zone I on 04.10.1995. Subsequently, Smt G.Rani Mohan, ACTO filed a representation before the Govt. to re-fix her seniority in the cadre of ACTO in Zone I on par with her batch mates of 1990 appointed through the notification No.8/90 of APPSC with reference to the marks secured in terms of Rule 33 read with Rule 36(1) of the APS & SS Rules, 1996. After careful examination of the matter and after following due procedure, in the reference 3rd read above, Govt. have issued orders fixing the seniority of Smt G.Rani Mohan in the category of ACTO with reference to the relative merit rank fixed by the APPSC vis-a vis her other direct recruit batch mates in terms of Rule 33(b) read with Rule 36(1) of the APS & SS Rules, 1996 and in relaxation of Rule 37 of the APS & SS Rules. He has therefore requested the Govt. to assign seniority in the cadre of ACTO in Zone VI as per ranking assigned to him by the APPSC by extending similar benefit as was given in the case of Smt G.Rani Mohan in Zone I.

3. Govt., after careful examination of the request of Sri S Ravichandra keeping in view the rules in vogue, observed that persons in the same roster category, but securing less marks than Sri S.Ravichandra were appointed as ACTO in Zone VI although he was allotted to Zone I and therefore decided to consider the request of Sri S.Ravichandra to re-fix his seniority in the cadre of ACTO in Zone VI from the date of his regular appointment in ACTO cadre along with his Direct Recruitment batch mates in Zone VI in terms of Rule 33(b) read with Rule 36(1) of the APS & SS Rules as was done in the case of Smt G.Rani Mohan, ACTO and

accordingly the CCT was requested to take necessary action in the matter vide reference 7th read above.

4. In the reference 8th read above, the Commissioner of Commercial Taxes has stated that in pursuance of the orders issued by the Govt., in reference 7th read above and keeping in view the marks secured by the DR ACTOs in Zone VI show cause notices have been issued proposing to place the name of Sri S.Ravi Chandra, DR-ACTO at Sl.No.114-A (Marks secured 475) below the name of Sri T.Rajendra Kumar, (DR.ACTO)(marks secured 478) at Sl.No.114 and above the name of Sri V.Laxman Rao, DR-ACTO at S.No.115(marks secured 469) in the integrated seniority list of ACTOs of Zone VI finalized and published in A.P.Extraordinary Gazette No.823, dated.02.12.2005, deleting his name at S.No.155 of the same seniority list by directing the affected candidates to file their written objections, if any. Responding to the above show cause notice, Sri V.Laxman Rao and (6) others have filed objections contending that as per the integrated seniority list of Zone VI (vide AP Gazette No.823, datd.02.12.2005) serial number of Smt D.Sailaja is 121 and Sri S.Ravichandra is 155. According to APPSC Rules, the seniority of DR candidates is to be decided according to Rule 37 of the APS & SS Rules, 1996, read with Rule 4 (c), but not with Rule 33(b), read with Rule 36(1) of the said Rules. They have also contended that the notice which was issued based on the provisions in APS & SS Rules, cannot override the provisions laid down in the Presidential Order as the cadre of ACTO comes under the purview of the Presidential Order and hence Sri S.Ravichandra, ACTO has to be placed after Smt D.Saillaja, ACTO who is the last regular candidates of their batch.

5. Govt., have examined the matter keeping in view the information furnished by the APPSC vide their letters dated.16.04.2005 and 31.10.2011 and observe that Sri S.Ravichandra, who belongs to (local candidate) Zone VI and comes under BC (C) category, should have been allotted as a O.C. candidate against R.P.No.28 in preference to Sri K.Venugopal since he secured higher marks(475) than the latter(469) and since he opted for Zone VI in preference to Zone I (where he was allotted) at the time of filing his application to the APPSC. Thus had the APPSC not committed the mistake in Zonal allocations, Sri S.Ravichandra would have been allotted to Zone VI on his recruitment and there would have been no need for him to apply for Zonal transfer under para 5(2)(d) of the Presidential Order. Hence his case would not fall under Rule (37) read with Rule 4 (c) of APS & SS Rules, 1996. It is also observed that had he been allotted to Zone VI, as per rules, in the beginning itself his seniority would have been fixed in terms of Rule 33(b) read with Rule 36(i) of APS & SS Rules. Hence the same position should be restored now. Therefore the objections received against the orders issued in Govt. Memo No.23928/CT.I(2)/2007 dated.18.06.2011 are hereby rejected.

6. The Commissioner of Commercial Taxes is requested to take further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Commercial Taxes, Hyderabad.
The Officer concerned, through the CCT, Hyd.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER